

Attorney Docket No.: 215105.01400  
Customer No. 27160

U.S. Patent Application No.  
10/658,528

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Cary James MILLER *et al.*

: Group Art Unit: 1641

Application No.: 10/658,528

: Examiner: Not Yet Assigned

Filed: September 10, 2003

: Confirmation No.: 1959

For: IMMUNOASSAY DEVICE WITH  
IMPROVED SAMPLE CLOSURE

: Atty. Dkt. No.: 215105.01400

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

November 5, 2004

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. §1.56 and in accordance with the practice under 37 C.F.R. §§1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Forms PTO/SB/08A and PTO/SB/08B. In accordance with current practice, copies of any listed U.S. Patent Documents are not being provided.

**FORMAL MATTERS**

In accordance with 37 C.F.R. § 1.97(b)(3), since a first Official Action on the merits of the subject application has not yet been issued, neither a certificate, petition nor payment of a fee is believed to be required for this Information Disclosure Statement. However, the Commissioner is hereby authorized to charge any fee which may be required in connection with this paper to Deposit Account No. 50-1710.

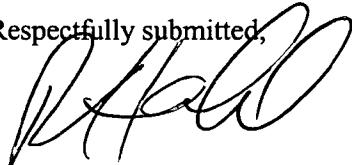
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CONCLUSION

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Forms PTO/SB/08A and PTO/SB/08B be returned indicating that such information has been considered.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,  


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Substitute for form 1449/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

## Complete if Known

Application Number	10/658,528
Filing Date	September 10, 2003
First Named Inventor	Cary James MILLER
Art Unit	1641
Examiner Name	Not Yet Assigned

Sheet 1 of 3

Attorney Docket Number 215105.01400

## U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
1	US- 5,096,669		03/17/1992	LAUKS et al.	
2	US- 5,628,961		05/13/1997	DAVIS et al.	
3	US- 5,447,440		09/05/1995	DAVIS et al.	
4	US- 5,821,399		10/13/1998	ZELIN	
5	US- 5,807,752		09/15/1998	BRIZGYS et al.	
6	US- 4,997,526		03/05/1991	ROBBLEE	
7	US- 4,830,959		05/16/1989	McNEIL et al.	
8	US- 5,200,051		04/06/1993	COZZETTE et al.	
9	US- 5,112,455		05/12/1992	COZZETTE et al.	
10	US- 5,063,081		11/05/1991	COZZETTE et al.	
11	US- 6,478,938		11/12/2002	PAEK et al.	
12	US- 6,436,699		08/20/2002	BERGGREN et al.	
13	US- 3,853,467		12/10/1974	GIAEVER	
14	US- 6,106,778		08/22/2002	OKU et al.	
15	US- 6,475,372		11/05/2002	OHARA et al.	
16	US- 4,686,479		08/11/1987	YOUNG et al.	
17	US- 5,081,063		01/14/1992	VONNO et al.	
18	US- 6,030,827		02/29/2000	DAVIS et al.	
19	US- 2003-0059954		03/27/2003	VIKHOLM et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
20	JP 7-260782 A		10/13/1995	Shionogi & Co., Ltd.		
21	JP 5-273212 A		10/22/1993	Pola Chem Ind. Inc.		
		ALL REFERENCES CONSIDERED EXCEPT	WHERE LINED THROUGH /LA/			

Examiner Signature	/Lyle Alexander/	Date Considered	03/04/2008
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

3

Application Number

10/658,528

Filing Date

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First Named Inventor

Cary James MILLER

Art Unit

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22	US- 5,656,504		08/12/1997	JOHANSSON et al.	
23	US- 6,379,883		04/30/2002	DAVIS et al.	
24	US- D337,164		07/06/1993	LAUKS et al.	
25	US- 5,779,650		07/14/1998	LAUKS et al.	
26	US- 5,666,967		09/16/1997	LAUKS et al.	
27	US- 5,653,243		08/05/1997	LAUKS et al.	
28	US- 5,638,828		06/17/1997	LAUKS et al.	
29	US- 6,010,463		01/04/2000	LAUKS et al.	
30	US- 5,208,649		05/04/1993	CUPPOLETTI et al.	
31	US- 5,254,315		10/19/1993	NURSE et al.	
32	US- 6,395,235		05/28/2002	KILCOIN et al.	
33	US- 2002-0155033		10/24/2002	STRAND et al.	
	US-				

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Examiner Signature	/Lyle Alexander/	Date Considered	03/04/2008
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				Art Unit	1641
				Examiner Name	Not Yet Assigned
Sheet	3	of	3	Attorney Docket Number	215105.01400

<b>NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	34	Eddowes, M. J., "Direct Immunochemical Sensing: Basic Chemical Principles and Fundamental Limitations", Biosensors, 3: 1-15, 1987.				<input checked="" type="checkbox"/>
	35	Laurell, C. B., "Electroimmunoassay", Methods in Enzymology, vol. 73, Academic Press, New York, 339, 340, 346-348, 1981.				<input checked="" type="checkbox"/>
	36	Green, M. J., "Electrochemical Immunoassays", Phil. Trans. R. Soc. Lond., 316: 135-142, 1987.				<input checked="" type="checkbox"/>
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